

#40310-00119-RLG

MARSHALL, DENNEHEY, WARNER, COLEMAN & GOGGIN

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Attorney for Defendants, Chris Lavell and Holly Taylor

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(Camden Vicinage)**

Thomas vandergrift

Plaintiffs,

vs.

PENNSAUKEN SCHOOL DISTRICT,
CHRIS LAVELL, MARTY DeLAPE, and
HOLLY TAYLOR

Defendants.

C.A. NO.: 1:12-cv-07646-JS

STATEMENT OF MATERIAL FACTS

1. Plaintiff filed the instant litigation, alleging retaliation for advocating for the educational programs for D.V. (See Exhibit "A" Plaintiff's Complaint).
2. In addition, Plaintiff alleges that he was discriminated against based upon his sexual orientation in a place of public accommodation in violation of the New Jersey Law Against Discrimination. (See Exhibit "A" Plaintiff's Complaint).
3. By way of background, in August 2011 B.V. and T.V. met with the District's child study team to request that the District revise D.V.'s Individualized Education Plan ("IEP") for the 2011-2012 school year. (See Exhibit "A" Plaintiff's Complaint at paragraph 14).
4. During the meeting T.V. discussed some of the concerns he had about the minor, D.V.
5. Specifically, T.V. reported that D.V. had hygiene issues and that on at least three occasions T.V. had gotten into the shower with D.V. and tried to teach him how to wash himself correctly. (See Exhibit "B" at 183:17-20 and 315:12-17).
6. Concerned by T.V.'s concessions that Chris Lavell and Holly Taylor contacted the Division of Youth and Family Services (hereinafter "DYFS") the next morning to report what T.V. had told them. (See Exhibit "C" at 43:8-11, 44:17-22).
7. Notably, Plaintiffs concede that the information Ms. Lavell and Ms. Taylor reported to DYFS was completely accurate.

8. Thereafter, however, Plaintiff filed this litigation.
9. The Court severed B.V. and D.V.'s claims from T.V.'s claims.
10. On March 29, 2017 this Court dismissed B.V. and D.V.'s claims against the individual Defendants Lavell and Taylor.
[Doc. 214 and 216]
11. In dismissing Plaintiff's claims against the individual Defendants, the Court found that Lavell and Taylor acted objectively reasonable in reporting T.V.'s statements to DYFS.
[Doc. 214 at page 14-15, fn15].
12. The individual Defendants, Chris Lavell and Holly Taylor, now file this Motion for Summary Judgment, as no genuine issue of material fact exists and T.V.'s case is ripe for dismissal.

MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN

By: /s/ Richard L. Goldstein
RICHARD L. GOLDSTEIN, ESQUIRE
Attorney for Defendants, Chris
Lavell and Holly Taylor

Dated: June 30, 2017